

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff

v.

MARINETTE MARINE CORPORATION,

Defendant.

CIVIL ACTION NO.

**C O M P L A I N T
JURY TRIAL DEMAND**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race (Black), national origin (Hispanic), and sex (female), and to provide appropriate relief to David Polzin, Josenel Williamson, Carlos Luna, and Andrea Antonson, and a class of African Americans, Hispanics and females who were adversely affected by such practices. Defendant, Marinette Marine, permitted a hostile work environment for African Americans, Hispanics and females, including, but not limited to, offensive graffiti. The action is also brought to correct unlawful practices on the basis of sex and to provide appropriate relief to Andrea Antonson, who was subjected to a hostile work environment based on sex, and was subjected to disciplinary action and constructively discharged in retaliation for her complaints about sexual harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f) (1) and (3) of

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000-e (5) (f) (1) and (3) (“Title VII”).

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Wisconsin, Green Bay Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. 2000e-5(1) and (3).

4. At all relevant times, Defendant, Marinette Marine Corporation (“Marinette Marine”), has continuously been a ship building company doing business in the State of Wisconsin and the City of Marinette, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Marinette Marine has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit David Polzin, Josenel Williamson, Carlos Luna, and Andrea Antonson, each filed a charge with the Commission alleging violations of Title VII by Defendant Marinette Marine. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2006, Defendant Marinette Marine has engaged in unlawful employment practices at its Marinette, Wisconsin facility, in violation of Section 703(a) and

704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 2000e-3(a). Such practices include, but are not limited to

a. Permitting and condoning offensive graffiti to be posted throughout its Marinette, Wisconsin facility which created a hostile work environment based on race, national origin and sex;

b. Subjecting Andrea Antonson to a hostile work environment, including, but not limited to unwelcome verbal and physical conduct by co-workers and supervisors;

c. Subjecting Andrea Antonson to disparate discipline in retaliation for her complaints about sexual harassment;

d. Constructively discharging Andrea Antonson in retaliation for her complaints of sexual harassment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive David Polzin, Josenel Williamson, Carlos Luna, and Andrea Antonson, and a class of African American, Hispanic and female employees of equal employment opportunities and otherwise adversely affect their employment status as employees, because of their race, national origin and sex.

9. The unlawful employment practices complained of in paragraphs 7 and 8 above were and are intentional.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were and are done with malice or with reckless indifference to the federally protected rights of David Polzin, Josenel Williamson, Carlos Luna, and Andrea Antonson, and a class of African American, Hispanic and female employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Marinette Marine, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in discrimination based on race, national origin or sex.

B. Order Defendant Marinette Marine to institute and carry out policies, practices, and programs which provide equal employment opportunities for African Americans, Hispanics and females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Marinette Marine to make whole Andrea Antonson, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful place reinstatement.

D. Order Defendant Marinette Marine to make whole Andrea Antonson, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, in amounts to be determined at trial.

E. Order Defendant Marinette Marine to make whole David Polzin, Josenel Williamson, Carlos Luna, and Andrea Antonson, and a class of African American, Hispanic and female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Marinette Marine to pay to David Polzin, Josenel Williamson, Carlos Luna, and Andrea Antonson, and a class of African American, Hispanic and female employees punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION

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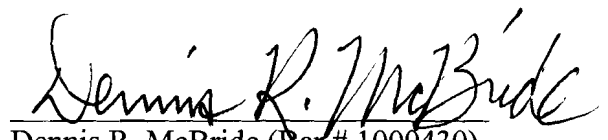
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